



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
UNITED STATES ARMY INTELLIGENCE CENTER AND FORT HUACHUCA
1903 HATFIELD STREET
FORT HUACHUCA ARIZONA 85613-7000

ATZS-CG

29 April 2005

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: POLICY 135 – Off Limits Establishments/Areas

1. REFERENCES.

a. Joint AR 190-24, Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations, 30 Jun 93.

b. Memorandum, USAIC&FH, ATZS-CG, (date), subject: Memorandum of Instruction (MOI) for the Conduct of the Fort Huachuca Armed Forces Disciplinary Control Board (AFDCB).

2. POLICY. The Fort Huachuca Armed Forces Disciplinary Control Board (AFDCB) will take action on all reports considered detrimental to the health, welfare, safety, morals, morale and discipline of the Fort Huachuca community. The AFDCB makes recommendations to the installation commander to eliminate these adverse conditions.

3. PROCEDURES. The AFDCB will meet annually to review current off-limits establishments/areas and the President of the Board may call special meetings when circumstances warrant. All establishments concerned will be notified per reference a.

4. The AFDCB normally consists of voting members representing the following agencies/units:

Garrison Command Sergeant Major
111th Military Intelligence Brigade
11th Signal Brigade
NCO Academy
USMC Detachment
314th Training Squadron
Navy Detachment
Directorate of Community Activities
Army Community Services

NETCOM Command Sergeant Major
Staff Judge Advocate
MEDDAC
Public Affairs Office
Equal Opportunity
Fort Huachuca Safety Office
Staff Chaplain
Directorate of Emergency Services
Army Substance Abuse Program

The Board President will appoint a recorder to record and maintain the minutes of each meeting. Other agencies, organizations, or individuals as designated by the Board President may attend the meetings as nonvoting members.

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5. An updated memorandum will be published listing current off-limits establishments and areas after each AFDCB meeting. A copy of the memorandum will be posted on each bulletin board.
6. Commanders of assigned, partner and tenant organizations will ensure all military personnel are aware of off-limits establishments/areas. Military personnel observed in off-limits establishments/areas are subject to apprehension and disciplinary action under the Uniform Code of Military Justice (UCMJ).
7. PROPONENT. Directorate of Emergency Services, 533-3232.

Encl



BARBARA G. FAST
Major General, USA
Commanding

DISTRIBUTION: E



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29 April 2005

MEMORANDUM OF INSTRUCTION

SUBJECT: Memorandum of Instruction (MOI) for the Conduct of the Fort Huachuca Armed Forces Disciplinary Control Board (AFDCB)

1. **REFERENCE.** Joint AR 190-24, Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations, 30 Jun 93.

2. **PURPOSE.** To provide procedural guidance for the conduct and actions of the Fort Huachuca AFDCB.

3. **Composition and scheduled meetings of the AFDCB.**

a. AFDCB may be established by the installation commander when there is substantive information indicating that an establishment or area frequented by Armed Forces Personnel presents conditions that may adversely affect the health, safety, welfare, morale, morals and discipline of the Fort Huachuca community. Adverse conditions that may be considered include:

- Disorder and lack of discipline
- Prostitution
- Sexually transmitted diseases
- Liquor violations
- Racial and other discriminatory practices
- Alcohol abuse, drug abuse and drug paraphernalia
- Criminal or illegal practices involving hate groups
- Illicit gambling
- Areas susceptible to terrorist activity
- Unfair commercial or consumer practices
- Other undesirable conditions that may adversely affect members of the military or their families

b. The composition of the AFDCB will be structured according to the needs of the command. Consideration should be given to representatives from the following areas—law enforcement, legal counsel, medical, health and environmental protection, public affairs, equal opportunity, fire and safety, chaplain's services, alcohol and drug abuse prevention, personnel and community activities and consumer affairs.

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c. The board meets as often as the installation commander establishing the AFDCB determines. The commander establishing the AFDCB may specify whether the meetings will be open or closed. If not specified, the decision is at the discretion of the president of the board. Normally proceedings are closed, but may be opened to the public when circumstances permit.

4. Procedural guidance for the AFDCB.

a. The President of the board or his designee determines to investigate an establishment or area based on credible evidence or report of findings presented by an organization or agency from on or off the installation. Such organizations or agencies may provide statements or witnesses attesting to the alleged adverse actions. Such organizations or agencies may include:

- Federal, State, and local judicial, legislative, and law enforcement officials
- Housing regulation and enforcement authorities
- Medical, Health and social services authorities
- Environmental protection authorities
- Alcohol beverage control authorities
- Equal employment opportunity authorities
- Consumer affairs advocates
- Chamber of commerce representatives
- Public works or utility authorities
- Local fire marshal and public safety authorities
- State and local school board or education officials

b. If the AFDCB determines adverse conditions do in fact exist, they will make recommendations to the proprietor to achieve desired corrective action. The Board will send a certified letter via US Mail to the proprietor regarding the adverse conditions and advising the owner or manager that the standards of the establishment must be raised by a specified date or off-limits proceedings will be initiated.

c. If the establishment corrects the adverse conditions, then a letter of appreciation will be sent to the proprietor. If the establishment does not correct the adverse conditions, then the owner will be invited to appear before the Board to explain why the establishment should not be placed off-limits.

d. In cases where the proprietor has been invited to appear before the board, the president of the board will perform the following prior to calling the proprietor:

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- (1) Review the findings and decision of the previous meeting
 - (2) Call for inspection reports
 - (3) Allow those present to ask questions, and discuss the case
- e. If the proprietor appears before the board he/she will be asked to provide statements regarding the alleged adverse conditions and explain why the establishment should not be placed off-limits. Any proprietor may designate in writing a representative to appear before the board in their behalf.
- f. When the proprietor is called before the board, the following actions will be taken:
- (1) Present the proprietor with a brief summary of the complaint concerning the establishment.
 - (2) Afford the proprietor an opportunity to present matters in his defense.
 - (3) Invite those present to question the proprietor.
 - (4) After the questioning period, provide the proprietor the opportunity to make a final statement before being dismissed.
- g. If the proprietor fails to appear before the board, the board will make a recommendation to make the establishment off-limits.
- h. Deliberations on recommended actions to place an establishment off-limits will be made in closed session.
- i. A majority of voting members constitutes a quorum for Board proceedings.
- j. The Board should recommend off-limits restriction only after the certified letter has been sent to the establishment, the proprietor has had an opportunity to appear before the Board, and the improvements have not been made. If approved, the AFDCB president will inform the proprietor that the establishment has been placed off-limits.
5. Appeals and inspections.
- a. A proprietor may appeal the off-limits restriction by submitting to the AFDCB the reason

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why their establishment should be removed from the list. If the AFDCB does not remove the restriction, a letter of continuance of the restriction must be sent to the proprietor. The proprietor may appeal to the next higher commander if not satisfied with the decision.


b. The AFDCB should make quarterly inspections of the off-limits establishments. When the proprietor has completed corrective measures, the AFDCB will make a recommendation and forward it to installation commander. If the restriction is lifted, a certified letter must be sent to the proprietor.

c. Installation commanders may temporarily declare an establishment off-limits subject to their jurisdiction, however, detailed justification must be submitted to the AFDCB.

6. Recommendations to make an establishment off-limits will be sent to the installation commander for consideration along with the minutes from the board proceedings.

7. The installation commander will publish a list of off-limits establishments. This list must be provided to all installation organizations and units to post on bulletin boards. Additionally, the list will be routinely published and announced as deemed necessary by the command utilizing public affairs mediums. This list must be provided to other military installations IAW AR 5-9, Area of Responsibility.

8. Point of contact for this memorandum is MAJ Rhett Weddell at 533-3232.


BARBARA G. FAST
Major General, USA
Commanding